



Public Notice

US Army Corps
of Engineers
Memphis District

200400044

REPLY TO ATTN: Tom Skelton
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
Telephone: (901) 544-3468
Fax (901) 544-3266
E-Mail: James.T.Skelton@usace.army.mil
POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
TN-2004-44 (TS)
REFERENCE NUMBER:
200400044
PUBLIC NOTICE DATE:
February 6, 2004
EXPIRATION DATE:
March 8, 2004

Joint Public Notice
Corps of Engineers
and
State of Tennessee

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT: Kent Ritchey
United Auto Group
1970 Covington Pike
Memphis, Tennessee 38128
(901) 377-8000

AGENT: Thomas E. Heineke
Heineke & Associates, Inc.
3014 Sycamore View Road
Bartlett, Tennessee 38134-5962
(901) 373-3289

LOCATION: The project is located on the west side of Germantown Parkway between Bellevue Parkway and Market Plaza in Memphis, Shelby County, Tennessee, at approximate latitude 35 -11-8.2875 and longitude 89 -47-23.77230 on the Ellendale 7.5 minute quadrangle map.

PURPOSE: The purpose of the project is to prepare the site for a new car dealership.

DESCRIPTION OF WORK: The applicant proposes to place 360 linear feet of an unnamed tributary of Fletcher Creek into twin 7-foot by 10-foot concrete box culverts. The channel is located approximately 30 feet west of Germantown Parkway and runs parallel to the roadway. The channel is incised approximately 5 to 6 feet below the surrounding landscape and is typically about 40 feet wide. Woody vegetation along the channel is sparse. Common trees include red maple, sycamore, southern red oak and black willow. No wetlands will be impacted by the project. The applicant proposes to mitigate stream impacts by use of in-lieu-fee to the Tennessee Stream Mitigation Program (TSMP).

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Tennessee Department of Environment and Conservation, Division of Water Pollution Control that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. Commentors are requested to also furnish a copy of their comments to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control (TDEC), at (615) 532-0713 or in writing at TDEC 7th Floor L. & C. Annex Building, 401 Church Street, Nashville, Tennessee 37243-1534. The Department will consider all relative comments in the decision to grant or deny water quality certification for the proposed activity. The applicant is also encouraged to contact the offices of TDEC at the above telephone number or address for information on permit processing fees and TDEC's potential need for additional information not found in this notice. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

Kent Ritchey
TN-2004-44 (TS)

200400044

CULTURAL RESOURCES: The Memphis District is complying with the National Historic Preservation Act of 1966 and implementing regulations found in 36 CFR Part 800. The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a survey of the project area.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

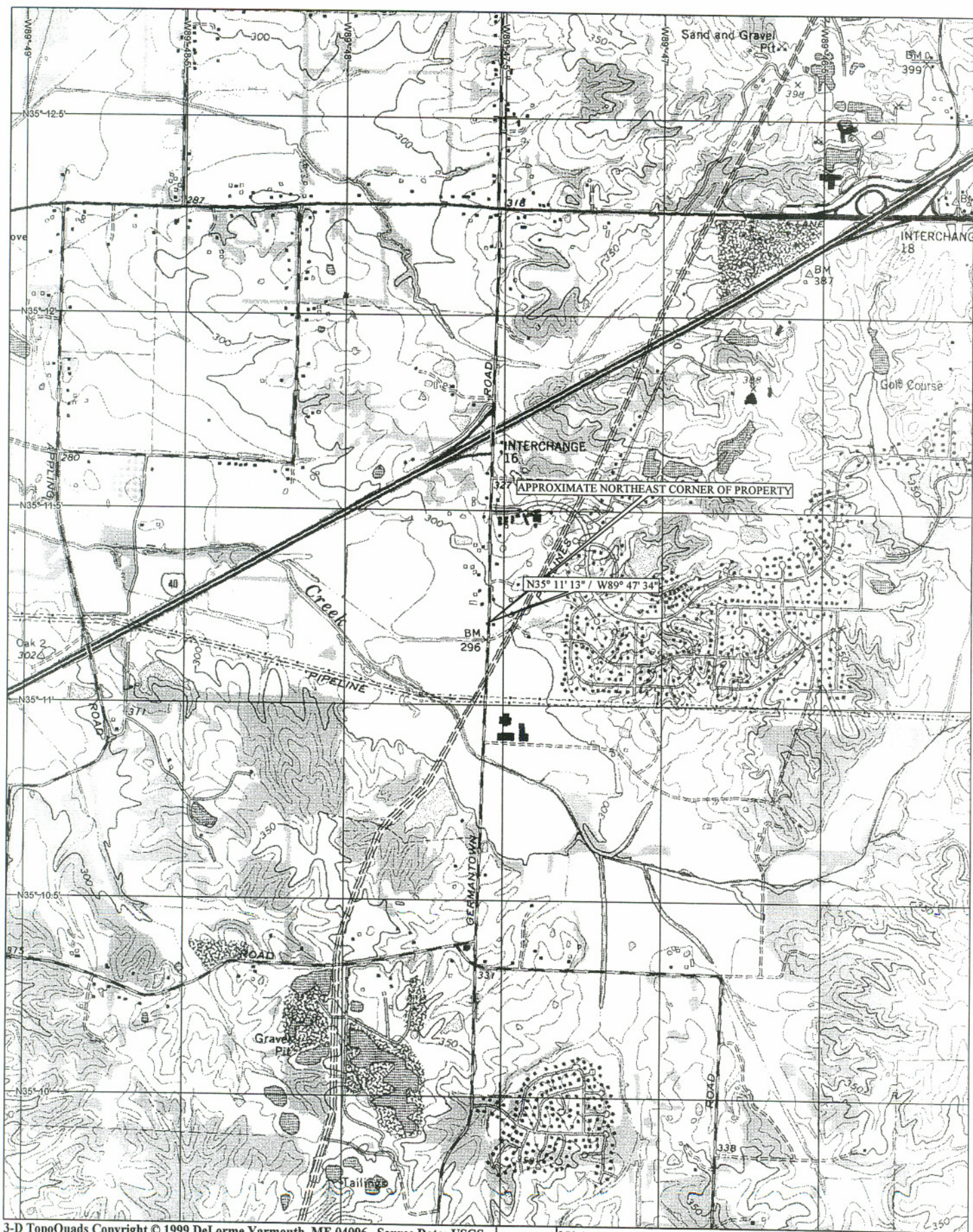
COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on the application, please contact Tom Skelton at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-3468. Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps.

Comments should be received by March 8, 2004.



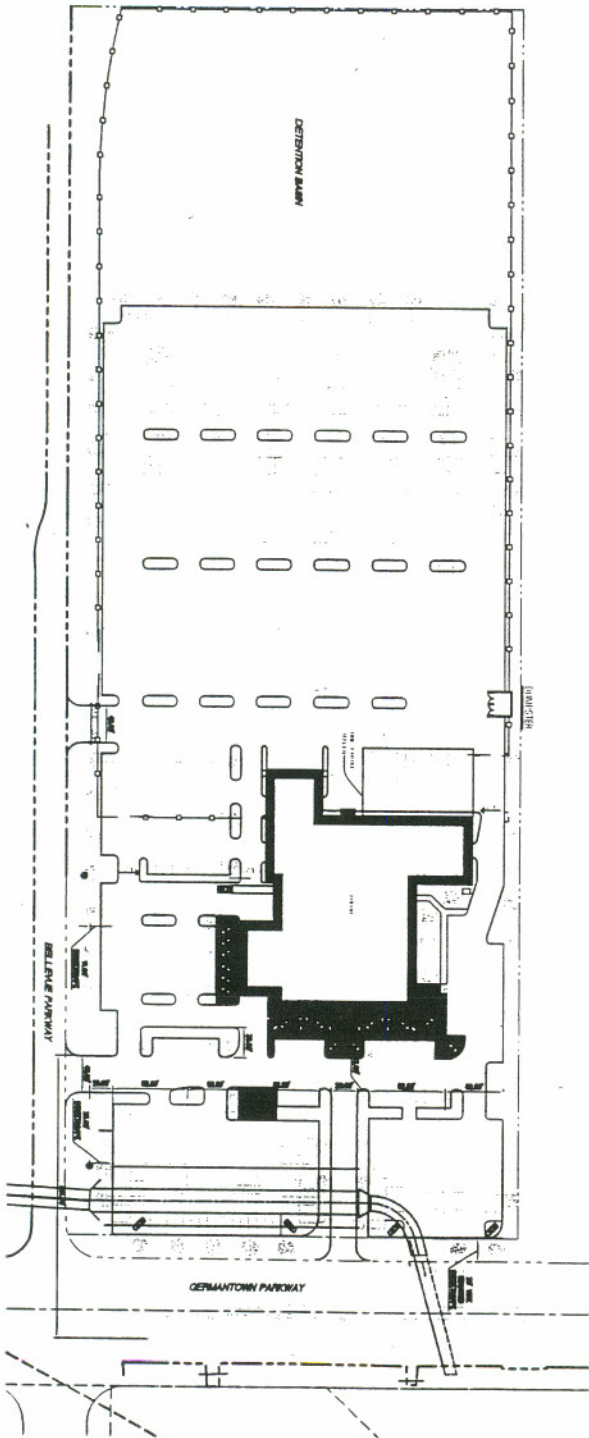
Larry D. Watson
Chief
Regulatory Branch

Attachments



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS 950 ft Scale: 1 : 24,000 Detail: 13-1 Datum: WGS84

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: PLAN VIEW



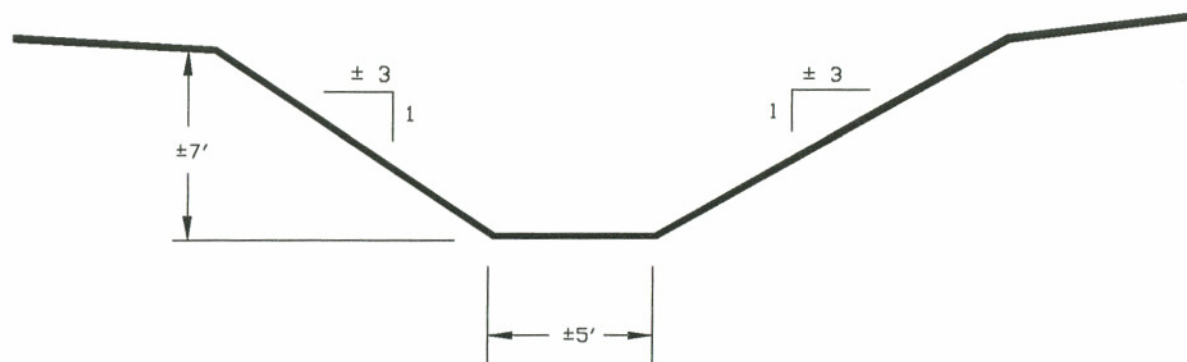
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Typical Cross Section of Existing Stream
West of Germantown Parkway
North of Bellevue Parkway

ATTACHMENT 3: CROSS SECTION